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10/694,740	10/29/2003	Yutaka Yamana	H9876.0054/P054-B	6706

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EXAMINER	
TORIMIRO, ADETOKUNBO OLUSEGUN	
ART UNIT	**PAPER NUMBER**
3714	
MAIL DATE	**DELIVERY MODE**
01/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/694,740	YAMANA ET AL.	
	Examiner	Art Unit	
	Adetokunbo O. Torimiro	3714	

CT

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4 and 7-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4 and 7-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment received on 11/09/2007 has been considered. It has been noted that claims 3,5,6, and 11-24 are cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 are rejected under 35 U.S.C. 103 (a) as being unpatentable over O'Callaghan (US 5,820,463) in views of Weston et al (US 6,515,992).

Re claim 1: O'Callaghan teaches a method of data processing between a plurality of computer game devices connected through a communication network **(see fig.3; col.3, lines 39-41)**, comprising the steps of measuring for each game devices a time between when a test message is transmitted to and received back from another game device **(see col.2, line 61- col.3, 6; and col.7, lines 32-42)**; determining a longest delay time of said measured delay times; and during a progress of a computer game, processing at each game device a first game data received from another game device on a lapse of the longest delay time of said measured delay times from a time of transmission of the first game data form the another game device, and processing a second game data transmitted from each game device itself on the lapse of the longest delay time of said measured delay times from a time transmission of the second game data from each game device itself **(see col.6, lines 48-64)**, wherein said synchronizing step includes the steps of starting

counting a time at each game device after a first time period is passed from a transmission of reset signal transmitted from one game device to the other game devices **(see col.4, lines 44-47)**, and stopping counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device **(see col.3, lines 28-38)**.

However, O'Callaghan does not explicitly teach synchronizing delay times counted by each game device; transmitting from said one game device to the other game devices a count value.

Weston et al teaches synchronizing delay times counted by each game device; transmitting from said one game device to the other game devices a count value **(see col.1, lines 46-52 and col.2, lines 34-36)**.

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of O'Callaghan and Weston et al so as to have a method of processing that involves plurality of game devices transmitting data at well synchronized delay times hence making the game enjoyable for the game player. **It is apparent to Examiner from the col.3, line 32 teaching of O'Callaghan to stop counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device, thereby calculating individualized delay time of the devices**.

Re claims 2 and 8: O'Callaghan teaches the method of data processing wherein said data / *matrix* comprises information as to the time of transmission, and when said data is received, said processing step recognizes when said longest time has elapsed by using the difference of

said time of transmission and the time which it has counted itself **(see fig. 11; col.3, lines 1-6 and col.4, lines 23-27)**.

Re claim 7: O'Callaghan teaches a computer program product executed by a computer device that is one of computer devices connected through a network **(see fig. 3; col.3. lines 39-41)**, comprising the steps of: measuring the delay time between said plurality of respective devices **(see col.3, lines 1-6)**; acquiring the longest time of said measured delay times **(see col.6, lines 48-64)**; synchronizing the time that is counted by said plurality of devices **(see col.4, lines 44-47)**; and processing each data transmitted from each device on the elapse of the longest time of said delay times from the time of transmission of each data in said plurality of devices **(see col.4, lines 23-27)**.

Re claim 9: O'Callaghan teaches the computer program stopping count incrementation temporarily in another device so that the difference of its own count value and the received count values becomes the delay time with respect to said one device **(see col.3, lines 28-38)**.

However, O'Callaghan fails to explicitly teach wherein said synchronizing step comprises the steps of transmitting from one device of said plurality of devices to another device the count value of said one device.

Weston et al teaches wherein said synchronizing step comprises the steps of transmitting from one device of said plurality of devices to another device the count value of said one device **(see col.1, lines 46-52 and col.2, lines 34-36)**.

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of O'Callaghan and Weston et al so as to have a method of processing that involves plurality of game devices transmitting data at well synchronized delay times hence making the game enjoyable for the game player. **It is apparent to Examiner from the col.3, line 32 teaching of O'Callaghan to stop counting temporarily at each game device so that a difference of each game device's own count values and the received count value from the one device becomes a delay time with respect to the one device, thereby calculating individualized delay time of the devices.**

4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan (US 5,820,463) in view of Weston et al (US 6,515,992) and further in view of James et al (US 5,964,660). The teachings of O'Callaghan and Weston et al have been discussed above.

Re claims 4 and 10: O'Callaghan teaches the method of data processing.

However, O'Callaghan fails to teach the method of data processing wherein said data includes information as to the number of players operating a device and information corresponding to the operations of each player; and said processing step recognizes the length of said data by using said information as to the number of players.

James et al teaches the method of data processing wherein said data includes information as to the number of players operating a device and information corresponding to the operations of each player; and said processing step recognizes the length of said data by using said information as to the number of players **(see col.9, lines 38-42)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the number of players in the data processing so that the amount of time and delay time based on the number of players can be processed thereby improving data processing of the network game and improving the utility of the game in the process.

Response to Arguments

5. The Applicants explanation in regards to the 35 USC 112 rejection is accepted therefore, that rejection has been withdrawn.

Applicant's arguments filed 11/09/2007 have been fully considered but they are not persuasive.

In response to Applicant's argument that O'Callaghan does not teach stopping counting temporarily at each game device..., the Examiner disagrees. Examiner points out that besides the referenced section, O'Callaghan teaches in col.4, lines 44-54 on stopping the timer during the trip between stations so as to facilitate in the determination and calculation of the delay time of stations/devices with respect to another.

In response to the argument that neither Weston nor O'Callaghan teaches a computer program product executed by the computer device...., the Examiner disagrees. Examiner notes that besides the various sections of the teaching of O'Callaghan on computer programs and applications that can be executed on computer devices, col.1, lines 9-14 discloses loading application software on computer devices. It is also obvious that for a computer device to function, there has to be a computer program product executed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER